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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,480	01/12/2005	Olle Cederberg	2466-131	6748

23117 7590 10/30/2007  
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EXAMINER

SINGH, RAMNANDAN P

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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10/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

	<b>Application No.</b> 10/507,480	<b>Applicant(s)</b> CEDERBERG ET AL.	
<b>Office Action Summary</b>	<b>Examiner</b> Ramnandan Singh	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-22 is/are pending in the application.
- 4a) Of the above claim(s) 16-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 9-15, drawn to a network interface device, classified in class 379, subclass 413.02, 373.01.

II. Claims 16-22, a connector plug, classified in class 379, subclass 413.04.

2. Applicant's response filed on Aug. 16, 2007 confirmed the election of Group I consisting of claims 9-15. Further, Applicant also cancelled claims 16-22. Hence, this restriction is made FINAL.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 9-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "a connecting/breaking mechanism" in line 5, line 6 and line 20. It is unclear whether the term "connecting/breaking" stands for "connecting" or "breaking" or both.

Further, claim 9 recites the limitation "adapted to" in line 3 and in line 7. In *re Hutchinson*, it has been held that an element 'adapted to' performing a function is not a positive limitation in any patentable sense [MPEP 2111.04]. *In re Hutchinson*, 154 F.2d 135, 138 (CCPA 1946); 69 U.S.P.Q. 138.

Claims 10-15 being dependent from claim 9 are also rejected.

### ***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al [US 20020132506 A1] in view of Wojtacki et al [US 20030077941 A1].

Regarding claim 9, Wilson et al teach a first network for local telephony including:

a plurality of serially-connected jacks including a first jack, each of the serially- connected jacks 32 and 33 adapted to receive a plug [Figs. 1-5; Para: 0089-0097; 0105; 0107];

each of the serially-connected jacks having two four-pairs of contact members, and a connecting and breaking for connecting corresponding contact members of the first and second pairs, respectively and each contact member of the first pair of each jack which has a subsequent jack in the series of jacks being connected to the corresponding contact member of the second pair of the subsequent jack in the series [Figs. 51-57; Para: 0096; 0100; 0103; 0135; 0143; 0170]; and

the contact members of the second pair of the first jack being directly connected to a second network (data network) or to second equipment and a connector plug insertable into each one of the serially-connected jacks and having pins for contacting respective contact members of the jacks, those of the pins, which are adapted for contacting the contact members of the first pair, being connected to a third network

(voice network) or to third equipment, so that when the connector plug is inserted in one of the jacks, the connector plug, for signals communicated between jacks subsequent to said one of the jacks in the series of interconnected jacks and the second network or second equipment, and at the same time connects said subsequent jacks to the third network or the third equipment and disconnects said subsequent jacks from the second network or the second equipment [Para: 0105; 0107; 0147].

Wilson et al do not teach expressly using pins with plugs to insert in respective jacks to electrically disconnect and connect a network.

Wojtacki et al teach using pins with a pair of plugs to insert in respective jacks to electrically disconnect and connect a network [Figs. 1-9; Para: 0016; 0044-0052; Figs. 16-22; Para: 0058-0068; 0073].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Wojtacki et al with Wilson et al in order to provide flexibility and ease of operation in connecting and disconnecting services.

Regarding claim 10, Wilson et al further teach operating the plugs manually [Para: 0104; 0122].

Regarding claim 11, since Wilson et al teach operating the plugs manually [Para: 0104; 0122], it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to enhance the operation of the system to incorporate an automatic made to automate the system.

***Allowable Subject Matter***

8. Claims 12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 12 recites the limitation: "wherein the automatic switching unit includes a switch and a dial tone detector, the dial tone detector connected to control the switch and connected to lines to the third network or third equipment for detecting dial tones for making the automatic switching unit take said one position if a dial tone is detected from the third network or equipment". The prior art of record does not teach this limitation in the context of the claim. Therefore, claim 12 is allowable.

Claim 13-15 are also allowable for the similar reason.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramnandan Singh  
Primary Examiner  
Art Unit 2614

A handwritten signature in black ink, appearing to read 'R. Singh', with a long horizontal line extending from the bottom of the signature.